



# INDUSTRY CIRCULAR

DEPARTMENT OF  
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms  
Washington, D. C. 20226

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## Mental Disability Policy Reversal

To All Federal Firearms Licensees and Others Concerned:

In the past, ATF took the position that a person adjudicated mentally incompetent or committed to a mental institution and who was later unconditionally discharged as competent under the laws of the State in which he or she was committed, with all civil rights restored by the State, was no longer subject to any Federal firearms and explosives disabilities.

Recent court decisions, including the Supreme Court decision in Dickerson v. New Banner Institute, 103 S.Ct. 986 (1983), have caused ATF to reconsider its position. The Court stated that "...Congress made no exception for subsequent curative events. The past adjudication or commitment disqualifies. Congress obviously felt that such a person, though unfortunate, was too much of a risk to be allowed [firearms] privileges." Therefore, the Bureau has determined that the previous policy can no longer be maintained. Advice given under the previous policy is no longer valid.

Consequently, the statutory disabilities (or restrictions) continue to apply to a person who has been committed to a mental institution by competent authority, or adjudicated as mentally incompetent or defective, even if that person has later been found to be competent and his or her rights fully restored. The affected individual is prohibited by Federal law from shipping or transporting any firearm or explosive in interstate or foreign commerce, from receiving any firearm or explosive which has been shipped or transported in interstate or foreign commerce, and from possessing any firearm in commerce or affecting commerce. Moreover, licensees may not lawfully transfer firearms or explosives to such an individual.

Any person having questions regarding this circular should refer to it by number, and address all inquiries to the Bureau of Alcohol, Tobacco and Firearms, Office of Compliance Operations, P.O. Box 189, Washington, DC 20226 (Attn: C:F:F).

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